THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13288 of 2006

27-07-2006

Between:-

D.V.D. Nageswara Rao

Petitioner

And

The Principal Secretary, Government of A.P., Secretariat, Hyderabad and four others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13288 of 2006

Oral order:

The writ petition is misconceived. The petitioner assails the order in G.O.Rt.No. 11 Law (LA & J Courts-A) Department dated 03-01-2006 of the 3rd respondent whereby and whereunder the 5th respondent is appointed as the Additional Public Prosecutor for the X-Additional District and Sessions Court FTC), Guntur at Narasaraopet for a period of three years.

The substantial ground of attack against the impugned order, as pleaded and more so as urged at the admission hearing, is that the 4th respondent-District Collector, swayed by the influence of four legislators, added the names of two advocates i.e., the 5th

respondent and another Mora Prathap Reddy in the panel sent by the District Judge, Guntur and that the name of M. Pratap Reddy was not included in the panel of advocates on recommendation by the District Judge, but was interspersed by the 4th respondent without consultation with the District Judge. It is further asserted in paragraph No.5 of the affidavit filed in support of the writ petition that the 4th respondent included the name of the 5th respondent in the panel on the basis of recommendation of one Kasu Venkata Krishna Reddy, a legislator of Narsaraopet constituency.

In the verification of the affidavit filed in support of the writ petition, the petitioner does not state as to which paragraph of the writ petition is on the basis of his knowledge and which on information and on legal advice and what is the basis of the knowledge if any relating to the averments in any particular paragraph. An omnibus verification is filed to the following effect:

"*I.D.V.D. Nageswara Rao s/o Lakshminarayana, Hindu, Aged about 50 years, Arundalpet, Narasaraopet, Guntur district, do hereby verify that the contents of paras are true and correct and also believe to be true on taking legal advise and that I have not suppressed any material facts*." The verification does not conform to the procedural requirements. The verification of the affidavit is patently

indisciplined and the writ petition itself ought to be dismissed on that singular ground. Be that as it may.

This court has called for the records relating to the impugned order of the 3rd respondent and is satisfied that *inter alia* the name of the 5th respondent has been recommended by the 4th respondent only after consultation with the District and Sessions Judge, Guntur as required under Section 24 of the Code of criminal Procedure.

The allegation of the petitioner is therefore seen to be misconceived and without substance or force. There are no merits. The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM, J

Dated:27-07-2006
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